

UNITED STATES OF AMERICA,

v.

SHANE FELLS,

Defendant.

This matter is before the court on the following motions:

1. DE #610 Motion for Reconsideration re DE #602 Order granting relief re the Drug Quantity Table Amendment and for relief under US v. Bailey;
2. DE #612 Motion to Vacate Sentence and Set Aside Conviction pursuant to Fed. R. Crim. P. 33, 48(a) and 18 USC § 3231;
3. DE #622 Motion for Writ of Error Coram Nobis pursuant to 28 USC sec. 1651;
4. DE #632 Motion for Reconsideration re DE #629 letter;
5. DE #633 Motion for Reconsideration re DE #629 letter;
6. DE #636 Motion to Vacate, Correct, Set Aside Illegal Conviction;
7. DE #646 Motion for Relief from Judgment pursuant to Rule 60(b) and Rule 15;
8. DE #671 Motion to Amend Judgment.

The government has not responded, and these matters are ripe for adjudication.

Defendant seeks to have this court reconsider its order granting his motion to reduce sentence regarding the drug quantity table. The order was upheld on appeal. The court finds no reason

to alter or amend its prior order, and the motion [DE #610] is DENIED.

Defendant also moves the court to reconsider its order at DE #629 [Motions DE #632 and #633]. Finding no reason to alter or amend its prior order, these motions are denied.

In his motions at DE #612, #622, #636, and #646, defendant contends that his § 924(c) conviction should be vacated. His conviction pursuant to § 924(c) was affirmed on appeal in the same order in which his count one conviction was vacated. Having reviewed the record in this matter, these motions are DENIED.

In his motion at DE #671, defendant notes that his judgment was not amended following his appeal. Defendant is correct. The court finds that defendant's judgment was not amended after one of his convictions (Count One) was vacated by order of the Fourth Circuit. While the Fourth Circuit did not remand the matter to this court assumedly because the vacatur did not impact his sentence, to memorialize the vacatur of count one, the court directs the clerk to enter an amended judgment consistent with the Fourth Circuit's order of March 28, 2000 [DE #309]. The motion at DE #671 is GRANTED. The clerk is further directed to send a copy of the amended judgment to the BOP.

CONCLUSION

For the foregoing reasons, defendant's motions at DE ## 610, 612, 622, 632, 633, 636, and 646 are DENIED. The motion at #671 is GRANTED inasmuch as the clerk is directed to amend the judgment as detailed above.

Also pending before the court is defendant's First Step Act motion, which shall be ruled on in a separate order.

This 17th day of December 2020.

A handwritten signature in blue ink, appearing to read "Malcolm J. Howard", is written above a horizontal line.

Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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